

**DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS  
Hot Springs School District  
Accountability Review - Focus Monitoring Report 2008-2009**

**Team Members:** Barb Boltjes, Team leader, Chris Sargent and Susan Sletto, Education Specialist and Alicia Schoenhard, Education Program Specialist

**Dates of On Site Visit:** November 3-4, 2008

**Date of Report:** December 19, 2008

3 month update due: March 19, 2009

Date Received:

6 month update due: June 19, 2009

Date Received:

9 month update due: September 19, 2009

Date Received:

Closed:

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

(1) That the requirements of this article are carried out;

(2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:

(a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and

(b) Meets the educational standards of the state education agency, including the requirements of this article; and

(3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

(1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;

(2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and

(3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

#### **Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

### **FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT**

**Present levels:** (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of October 25-26, 2004.)

#### **GENERAL SUPERVISION**

**Present levels:**

**Out of Compliance**

#### **ARSD 24:05:17:03 Annual report of children served**

The district does not have documentation to verify services were being provided to one student listed on the district's 2003 child count. The district did not submit the IEP front page with the other child count information and the monitoring team checked the file during the onsite review. The Department of Education will withhold from the district the Individual with Disabilities Education Act (IDEA) funds received for the misclassified student.

#### **Follow-up: November 3-4, 2008**

**Finding:** For a student (7) moving into the district from another school in state, the district did not review the file to determine eligibility. The student was placed on the December 1, 2007 child count in the disability category of Other Health Impaired (555). Student file information revealed only an ability test was completed. Therefore, the file does not contain the required evaluation information to support the disability category of Other Health Impaired.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> 1. The district will provide training for special education and related services staff in the IEP process from referral to placement. 2. The district will reevaluate student (7) to determine eligibility. <b>Data Collection:</b> 1. The district will submit a training agenda, name of trainer, dates and a list of participants.	February 1, 2009	Special Education Director and special education staff	

2. The district will submit the multidisciplinary team report following the reevaluation. (7)			
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## **GENERAL SUPERVISION**

**Present levels:** (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of October 25-26, 2004.)

### **Out of compliance**

#### **ARSD 24:05:25:04.02 Determination of needed evaluation data**

The school district must administer tests and other evaluations to produce the data required to determine eligibility.

#### **ARSD 24:05:25:04 Evaluation procedures**

The school district shall ensure a child is assessed in all areas related to the suspected disability and evaluation procedures include a wide variety of assessment tools and strategies to gather relevant functional and developmental information about the child including information provided by parents that may assist in developing the content of the child's IEP.

Through staff interviews and student file reviews, the monitoring team noted evaluations and reevaluation are not in compliance with state requirements. A student listed on the child count as a child with multiple disabilities (530) (510,550,555,535) was evaluated in all areas of suspected disability except adaptive behavior. The cognitive scores were in the mentally retarded range. In five files reviewed, functional assessment was not completed, summarized into a report and used in the present levels of performance.

Special education staff is completing transition assessment with the exception of two files reviewed. Through interviews and file reviews, the monitoring team determined parental input into the evaluation process is not consistently completed prior to the completion of the prior notice. Refer to Principle Five for information pertaining to annual review timelines.

### **Follow-up: November 3-4, 2008**

**Finding:** The monitoring team determined evaluation teams are not consistently considering all areas of suspected disability when determining evaluations needed for eligibility determination. Student file 1 (555) the prior notice did not include behavior evaluations, however, the BASC and Conner's were administered. Student file 2 (565) the prior notice did not include speech language, motor or social assessment required for eligibility. The evaluation report stated "No concerns in this area" --- On 2-19-08—Dad withdrew consent for services. Student file 3 (515) prior notice did not pull forward any "standard" information on the prior notice for determining continued eligibility (4-29-08). Student file 4 (570), changed the disability category to 510 at age 6. The prior notice stated behavioral and social evaluations would be conducted—an adaptive behavior was completed. Student file 5 (570), changed the disability category at age 6, evaluated articulation and developmental, however, those areas were not included on the prior notice. In addition, there was no parent input into the evaluation process in file 3 and 4. Student file 10, 550, the prior notice indicted a gross motor evaluation was needed, however, it was not administered and evaluation was completed in the area of language and it was not on the prior notice.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only)</b>
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data/criteria that will be used to verify compliance.			Date Met
<b>Activity/Procedure:</b> 1. The district will attend a training provided by Education Specialist. The training will emphasize the IEP process from referral to placement with emphasis on considering all areas of suspected disability and prior notice for evaluation. <b>Data Collection:</b> The district will submit to SEP the following data: 1. Training documentation to include the date staff training occurred, name of individual who provided the training, and sign-in sheet with names of all participants/position titles, who attended the training.	February 1, 2009	Special education director	

## **GENERAL SUPERVISION**

**Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of October 25-26, 2004.)**

**Out of compliance**

### **ARSD 24:0527:08 Yearly review and revision of IEP**

The monitoring team agrees with steering committee data, IEP files were not always reviewed within 365 days and IEP meetings were not consistently held within 30 calendar days of the receipt of evaluation results. In three of 20 student files reviewed, IEP's were not held within 30 calendar days of the receipt of the evaluation results.

In the following three files, the monitoring team noted the district was over the 365 day timeline.

- 12-16-03/12-17-04
- 10-29-03/11-3-04
- 9-11-03/9-23-04

### **ARSD 24:05:27:21 Transition to preschool**

Each school district shall develop policies and procedures for the transition of children participating in the early intervention program under Part C of the Individuals with Disabilities Education Act (IDEA) who are eligible for participation in preschool programs under Part B of IDEA. In one student file, the monitoring team determined the district received a referral for a comprehensive evaluation on 3-4-04 for transition from Part C to Part B from Birth to 3 Connections, Youth and Family Services. The evaluation was not completed prior to the child's 3<sup>rd</sup> birthday; the meeting was held on 5-26-04.

### **ARSD 24:05:27:01.03 Content of IEP**

Annual goals must be measurable, must be based on a years-projected progress and reasonable to accomplish in one year.

Through file reviews, the monitoring team noted annual goals are broad, vague and not measurable. Example:

1. The student will increase use and comprehension of vocabulary.
2. The student will demonstrate appropriate social behavior.
3. The student will increase receptive vocabulary from present level to 90% accuracy in 7-9 opportunities.

Justification for placement must include an explanation of the extent, if any, to which the student will not participate with non-disabled students in the regular classroom. The monitoring team determined special education staff does not have a clear understanding how to pursue writing justification for placement statements. Special educators do not use the accept/reject method required for writing justification for placement statements. Justification statements must include an explanation of the extent, if any, to which the child will not participate with non-disabled children in the general classroom and in extracurricular and non-academic activities.

**Follow-up: November 3-4, 2008**

**Finding:**

Through a review of 14 student files, data gathered by the team in 8 of those files indicated accommodations/modifications were not consistently provided in the student's instructional program, and accommodations identified in the IEPs for state/district wide assessment were not consistently used during the assessment administration.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<p><b>Activity/Procedure:</b></p> <ol style="list-style-type: none"> <li>1. The district will review current policy/procedure with the special education teachers and testing coordinator to determine why discrepancies are occurring.</li> <li>2. Develop a process that will allow for the appropriate documentation and provision of accommodations for state/district assessments.</li> <li>3. Provide training to ensure special education staff and testing coordinator are proficient in the implementation of the procedures/process.</li> <li>4. Implement procedures and collect data to verify accommodations are appropriately documented and provided during state/district assessments.</li> </ol> <p><b>Data Collection:</b> The district will collect and submit to SEP the following data:</p> <ol style="list-style-type: none"> <li>1. Written description of the district's review process to identify why the discrepancies are occurring.</li> <li>2. Written description of the process the district will implement to correct the discrepancies.</li> </ol>	February 1, 2009	Special education director and special education staff and testing coordinator	

**DISPROPORTIONALITY**

**Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of October 25-26, 2004).**

**Follow-up: November 3-4, 2008**

**Finding: ARSD 24:05:27:15.01. IEPs for student transfers within state.** If a student with a disability, who had an IEP that was in effect in a previous school district in the state, transfers to a new school district in the state, and enrolls in a new school within the same school year, the new school district, in consultation with the parents, shall provide FAPE to the student, including services comparable to those described in the student's IEP from the previous school district, until the new school district either:

- (1) Adopts the student's IEP from the previous school district; or
- (2) Develops, adopts, and implements a new IEP that meets the applicable requirements in this chapter.

In one of fourteen files reviewed, the monitoring team determined procedures were not followed for a student moving into the district from another district in-state. In student file 7, the evaluation information in the file did not support the disability category of Other Health Impaired.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> 1. The district will review all files of students moving into the district from out of state or moving from within state to determine files contain the necessary eligibility documentation to place the child on the December 1, child count.  <b>Data Collection:</b> 1. The district will submit a list of students moving into the district from either in-state or out of state. The list must include eligibility information for each student.	February 1, 2009	Special Education Director	